

**NOT FOR PUBLICATION**

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

CARY M. DAVID, on behalf of herself and all others similarly situated,

Plaintiff,

v.

UNITED CONTINENTAL HOLDINGS, INC.  
and UNITED AIRLINES, INC.,

Defendants.

Case: 2:15-cv-01926-SDW-LDW

**ORDER**

November 24, 2015

**WIGENTON**, District Judge.

This matter, having come before this Court on Defendants United Continental Holdings, Inc. and United Airlines, Inc.'s (collectively "United" or "Defendants"), Motion to Dismiss Plaintiff Cary M. David's ("David" or "Plaintiff") Class Action Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure ("Rule") 12(b)(6), and Plaintiff's Motion to Strike the Declarations of David Cronin and Craig Norwood, and this Court, having carefully considered the submissions and arguments of the parties, for the reasons stated in this Court's Opinion dated November 24, 2015,

**IT IS** on this 24<sup>th</sup> day of November, 2015,

**ORDERED** that Defendants' Motion to Dismiss the Complaint is **GRANTED**. Because the ADA preempts all of Plaintiff's claims, amendment would be futile; and it is further

**ORDERED** that Plaintiff's Motion to Strike is **DENIED**.

**SO ORDERED.**

s/ Susan D. Wigenton, U.S.D.J.

Orig: Clerk  
cc: Leda D. Wettre, U.S.M.J.  
Parties